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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MIGUEL A. MARTINEZ,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:15-cv-00883-MMD-NJK

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
NANCY J. KOPPE

Before the Court is Magistrate Judge Nancy J. Koppe’s Report and Recommendation (“R&R” or “Recommendation”) (ECF No. 13), regarding Plaintiff’s failure to file a second amended complaint or otherwise respond to the Court’s Order filed on January 20, 2017. (ECF No. 12.) The Court allowed Plaintiff to file any objections to the Recommendation by July 7, 2017. (ECF No. 13.) To date, no objections have been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United*


1 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
5 district courts are not required to review "any issue that is not the subject of an objection").
6 Thus, if there is no objection to a magistrate judge's recommendation, then the court may
7 accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226
8 (accepting, without review, a magistrate judge's recommendation to which no objection
9 was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in order
11 to determine whether to adopt the R&R. In the screening order, the Court permitted
12 Plaintiff to proceed on his Fourth Amendment claim against Defendant Michael Donovan
13 and dismissed certain claims with leave to amend. (ECF No. 12.) The order warned
14 Plaintiff that if Plaintiff chose not to file a second amended complaint, the Magistrate Judge
15 would recommend that the action proceed only on Plaintiff's Fourth Amendment. (*Id.* at 4-
16 5.) Plaintiff failed to file an amended complaint within the timeframe established in the
17 screening order. Thus, upon review of the R&R and filings in this case, the Court agrees
18 with the R&R and will adopt it in full.

19 It is hereby ordered that the Magistrate Judge's Report and Recommendation (ECF
20 No. 13) is accepted and adopted.

21 It is further ordered that this action will proceed on Plaintiff's Fourth Amendment
22 claim against Defendant Michael Donovan only.

23 DATED THIS 11th day of July 2017.

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25 
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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